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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

FRANCES ENYART, Individually,
and as Successor in Interest to
WILLIAM ENYART, et al.,

Case No. 5:23-cv-00540-RGK-SHK

**DECLARATION OF GRACE JUN IN
SUPPORT OF PLAINTIFF'S MOTION
FOR AWARD OF ATTORNEYS' FEES**

Plaintiffs,

v.

COUNTY OF SAN BERNARDINO,
AARON CONLEY, DEPUTY C.
UMPHLETT, ROD SKAGGS,
DEPUTY SNOW, DEPUTY SILVA,
and DOES 1-10, inclusive,

Defendants.

1 I, GRACE JUN, being duly sworn, hereby declare:

2 1. I am an attorney admitted to practice in the state of California, in the
3 United States Courts of Appeals for the Ninth Circuit, and in the United States
4 District Courts for the Southern District of California, Central District of California,
5 and Northern District of California.

6 2. I am counsel of record for Plaintiffs in this matter. The matters stated
7 herein are stated of my own personal knowledge, except for any matters expressly
8 stated on information and belief, which matters I believe true. I make this
9 declaration in support of Plaintiffs' application for an award of attorneys' fees and
10 costs.

11 3. I graduated from the University of California, Hastings College of the
12 Law, in May 2012. I have been admitted to practice law in the State of California
13 since December 2012.

14 4. I am a member of the National Police Accountability Project (NPAP),
15 the largest civil rights attorney organization in the county. I have served as a
16 member of the CLE Committee for NPAP. As a member of the CLE Committee
17 for NPAP, I organized and presented CLEs on issues of interest for civil rights
18 attorneys. I organized the topics; set the agenda; recruited speakers; and moderated
19 discussions.

20 5. I have been recognized by Superlawyers since 2016.

21 6. The majority of my practice is civil rights litigation related to police
22 misconduct which includes claims under 42 U.S.C. § 1983 and Bivens actions
23 against federal law enforcement. I also specialize in Federal Tort Claims Act
24 (FTCA) actions against the United States which, like police misconduct claims,
25 involve intricate and complex issues of immunity.

26 7. Since my admission to the State Bar of California in 2012, I have
27 appeared as trial counsel of record in the following jury trials:

28 a. *Francisco Bates et al. v. Metropolitan Translators and Translators,*
Inc., Southern District of California case nos. 12cv0460 JM (MDD);

1 13cv1891 JM (MDD); and 13cv1892 JM (MDD), which resulted in a
2 \$ 4,032,000 jury verdict.

3 b. *Angel Escalante v. Luis Lara and Pacific Foods Distribution, Inc.*,
4 Imperial County Superior Court case no. ECU08077, in which we
5 achieved a \$312,370 jury verdict.

6 c. *Jens Boy v. Zimmer, Inc. et al.*, San Diego County Superior Court case
7 no. 37-2016-00002761-CU-DF-CTL, which resulted in a \$3,559,000
8 jury verdict.

9 d. *Estate of Kevin Brown and Rebecca Brown v. Michael Lambert and*
10 *Maura Mekenas-Parga*, S.D. Cal. case no. 15-CV-1583-DMS (WVG),
11 which resulted in a \$6,000,000 compensatory damages jury verdict and
12 \$50,000 punitive damages verdict.

13 e. *Montera v. Premier Nutrition Group*, N.D. Cal. case no. 16-cv-06980-
14 RS, which resulted in an approximately \$12 million judgment. Plaintiff
15 also achieved a favorable opinion before the Ninth Circuit in *Montera*
16 *v. Premier Nutrition Corp.*, 111 F.4th 1018, 1025 (9th Cir. 2024).

17 f. In 2023, the Daily Journal awarded my co-counsel, Eugene Iredale and
18 Tim Blood, and me a “Top Verdict” award for the trial result we
19 achieved in *Montera v. Premier Nutrition Group*.

20 8. I have been the principal author of the following appellate briefs before
the Ninth Circuit Court of Appeals:

21 a. Plaintiffs’ Third Brief on Cross-Appeal, Francisco Bates et al. v.
22 Metropolitan Interpreters and Translators, Inc., Ninth Circuit case nos.
23 15-56647 and 15-56658 (affirming the district court’s judgment after
24 plaintiffs achieved a favorable jury verdict).

25 a. Plaintiffs’ Answering Brief, Estate of Kevin Brown and Rebecca
26 Brown v. Michael Lambert and Maura Mekenas-Parga, Ninth Circuit
27 case no. 17-55930 *Colleen Garot v. County of San Diego*, S.D. Cal.
28

case no. 19-cv-1650-L-BLM, \$9.5 million settlement with the County of San Diego.

b.

c. Plaintiff/Appellant's Opening Brief and Reply Brief, Doyma Michel v. United States of America, Ninth Circuit case no. 18-55211 (Plaintiff's appeal of the district court's grant of summary judgment in a FTCA action against the United States. At the conclusion of oral argument, and at the suggestion of the Court, the parties engaged in settlement discussions and settled this case)

9. I have successfully defended favorable orders or judgments by opposing petitions for certiorari to the United States Supreme Court in the following cases:

a. Metropolitan Interpreters and Translators, Inc., v. Francisco Bates et al., Supreme Court case no. 18-751

b. Michael Lambert et al. v. Estate of Kevin Brown and Rebecca Brown, Supreme Court case no. 19-541.

10. My efforts in achieving favorable results for my clients is reflected in the following published opinions:

a. *Estate of Anastacio Hernandez-Rojas et al. v. United States of America et al.*, 62 F. Supp. 3d 1169 (S.D. Cal. 2014)

b. *Fernando Medina et al. v. Metropolitan Interpreters and Translators, Inc.*, 139 F. Supp. 3d 1170 (S.D. Cal. 2015)

c. *Estate of Kevin Brown v. Michael Lambert*, 478 F. Supp. 3d 1006, 1021 (S.D. Cal. 2020)

d. *Greer v. Cnty. of San Diego*, 634 F. Supp. 3d 911 (S.D. Cal. 2022)

e. *Estate of Serna v. Cnty. of San Diego*, 689 F. Supp. 3d 848, 867 (S.D. Cal. 2023), *aff'd sub nom. Est. of Serna by & through Gilliland v. Cnty. of San Diego*, No. 20-CV-2096-LAB-DDL, 2024 WL 942368 (S.D. Cal. Mar. 5, 2024)

11. While working with attorneys Eugene Iredale and Julia Yoo in San Diego, I helped achieved the notable settlements in the following jail death cases.

- a. *Colleen Garot v. County of San Diego*, S.D. Cal. case no. 19-cv-1650-L-BLM, \$9.5 million settlement with the County of San Diego.
- b. *Frankie Greer v. County of San Diego et al.*, S.D. Cal. case no. 19-cv-0378-JO-DEB: total settlement in excess of \$8.5 million.
- c. *Estate of Elisa Serna v. County of San Diego*, S.D. Cal. case no. 20-cv-2096-LAB-DDL: \$15 million global settlement.
- d. *Estate of Michael Wilson v. County of San Diego et al.*, S.D. Cal. case no. 20-cv-00457-RBM-DEB, \$4.95 million settlement with the County of San Diego.

12. In the June 2024 edition of the *Advocate* magazine, I published an article entitled, *Understanding Disability Rights Litigation in Police-Misconduct and Jail-Detention Cases*.

13. I am requesting an hourly rate of \$800/hour. In support of this request, I am submitting the declarations of other experienced civil rights practitioners and trial lawyers, including Julia Yoo, Tom Beck, John Burton, and Barry Litt, who can attest to my skills and expertise in this area of law.

14. A true and accurate copy of my timesheets and billing records for this matter are attached hereto as Exhibit A.

I declare under penalty of perjury that the foregoing is true and correct.
Executed this 28th day of October, 2024, in San Diego, California.

s/ Grace Jun
GRACE JUN

EXHIBIT A

Detailed time report: 04/14/2024 – 09/27/2024

Total hours
249.20
249.20 Uninvoiced billable hours

1 Client
1 Project
Tasks
1 Team

Enyart
Enyart I
All tasks
Grace Jun

Client	Project	Task	Person	Hours
04/14/2024				9.70
Enyart	Enyart I	Case review	Grace Jun	3.60
		Begin review of case to draft memo of facts & contentions of law		
Enyart	Enyart I	Trial Prep	Grace Jun	5.20
		Begin draft of jury instructions and verdict form		
Enyart	Enyart I	Client Communication	Grace Jun	0.90
		Zoom meeting with clients		
04/15/2024				8.00
Enyart	Enyart I	Pleadings	Grace Jun	3.60
		Draft and finalize memo of contentions of fact and law		
Enyart	Enyart I	Case review	Grace Jun	0.40
		Review Defs' Memo of Contentions of Fact & Law		
Enyart	Enyart I	Trial Prep	Grace Jun	4.00
			Total	249.20

Client	Project	Task	Person	Hours
		Continue draft of jury instructions. Research re: verdict forms in other San Bernardino County cases		
04/16/2024				5.50
Enyart	Enyart 	Communication	Grace Jun	2.80
		Depo prep for Homer Venters deposition. Review responsive documents for production		
Enyart	Enyart 	Trial Prep	Grace Jun	2.70
		Finalize and circulate proposed verdict forms and instructions to opposing counsel		
04/17/2024				2.10
Enyart	Enyart 	Depositions	Grace Jun	2.00
		Depo of Homer Venters		
Enyart	Enyart 	Communication	Grace Jun	0.10
		Email to all counsel re Venters depo		
04/18/2024				0.40
Enyart	Enyart 	Communication	Grace Jun	0.40
		Email communication re Homer Venters depo		
04/19/2024				0.50
Enyart	Enyart 	Case review	Grace Jun	0.50
		Depo prep		
04/21/2024				1.20
Enyart	Enyart 	Client Communication	Grace Jun	1.00
		Enyart: phone call with Fran and Greg		
			Total	249.20

Client	Project	Task	Person	Hours
Enyart	Enyart 	Case review Review MSJ order for discussion with clients	Grace Jun	0.20
04/23/2024				0.50
Enyart	Enyart 	Communication Phone call with Dr. San Bartolome	Grace Jun	0.50
04/24/2024				2.70
Enyart	Enyart 	Meeting Enyart: conference call with Dr. San Bartolome re depo prep	Grace Jun	1.00
Enyart	Enyart 	Case review Review medical records, autopsy report, and jail recordings to prep for Dr. San Bartolome depo	Grace Jun	1.70
04/25/2024				7.00
Enyart	Enyart 	Case review Review of summary judgment pleadings and discovery	Grace Jun	1.20
Enyart	Enyart 	Pleadings Review Defs MILs. Research. Begin draft of oppos to Defs MILs	Grace Jun	3.80
Enyart	Enyart 	Discovery Review of discovery and other depositions for Dr. San Bartolome depo	Grace Jun	2.00
04/26/2024				5.70
Enyart	Enyart 	Depositions Enyart: depo of Dr. Mario San Bartolomo	Grace Jun	2.00
			Total	249.20

Client	Project	Task	Person	Hours
Enyart	Enyart I	Client Communication Phone call with Fran Enyart	Grace Jun	0.70
Enyart	Enyart I	Communication Email to opposing counsel re San Bartolomo depo	Grace Jun	0.10
Enyart	Enyart I	Communication Meet/confer opposing counsel re final pto & trial matters	Grace Jun	0.60
Enyart	Enyart I	Pleadings Finalize oppos to defs' MILs	Grace Jun	1.50
Enyart	Enyart I	Pleadings Draft notice of related cases	Grace Jun	0.80
04/29/2024				2.70
Enyart	Enyart I	Trial Enyart - M&C Re Joint Jury Instructions	Grace Jun	1.00
Enyart	Enyart I	Pleadings Research re case consolidation. Draft stipulation to consolidate cases (Enyart I and II) and circulate it for review.	Grace Jun	1.70
04/30/2024				0.80
Enyart	Enyart I	Communication Emails re stip to consolidate cases	Grace Jun	0.20
Enyart	Enyart I	Communication	Grace Jun	0.20
Total				249.20

Client	Project	Task	Person	Hours
		Emails re jury instructions		
Enyart	Enyart 	Trial Prep	Grace Jun	0.40
		Review final form of joint jury instructions for efilng		
05/01/2024				1.00
Enyart	Enyart 	Trial Prep	Grace Jun	1.00
		Draft and finalize proposed voir dire		
05/02/2024				1.50
Enyart	Enyart 	Trial Prep	Grace Jun	1.50
		Finalize draft of plaintiffs' proposed instructions for efilng		
05/05/2024				1.80
Enyart	Enyart 	Trial Prep	Grace Jun	1.80
		Finalize final pretrial conference order		
05/06/2024				2.00
Enyart	Enyart 	Court	Grace Jun	1.00
		Enyart: final pretrial conference (0.7). Roundtrip to Los Angeles (travel time 4.5 hours)		
Enyart	Enyart 	Communication	Grace Jun	1.00
		Phone call with Dr. Venters to discuss trial		
05/07/2024				8.50
Enyart	Enyart 	Trial Prep	Grace Jun	8.50
		Review of videos and recorded statements to prepare for trial. Review discovery and depositions for trial prep and exhibits. Review exhibits for trial		
Total				249.20

Client	Project	Task	Person	Hours
05/08/2024				3.00
Enyart	Enyart 	Trial Prep Enyart - Call with Dr. Venters to prepare for trial testimony	Grace Jun	1.00
Enyart	Enyart 	Communication Phone call with Roger Clark to prepare for depo	Grace Jun	1.40
Enyart	Enyart 	Communication Emails with Roger Clark re depo prep	Grace Jun	0.60
05/09/2024				7.80
Enyart	Enyart 	Depositions Depo of Roger Clark; meeting before and after with Roger to discuss depo and trial	Grace Jun	3.00
Enyart	Enyart 	Trial Prep Review discovery to begin identifying and marking trial exhibits	Grace Jun	4.80
05/10/2024				8.00
Enyart	Enyart 	Meeting Meeting with Enyart family at their home for trial prep	Grace Jun	4.00
Enyart	Enyart 	Trial Prep Prepare for meeting with Enyart family and testimony for trial	Grace Jun	2.00
Enyart	Enyart 	Trial Prep Travel to Apple Valley to meet with Enyart family	Grace Jun	2.00
05/11/2024				7.00
Total				249.20

Client	Project	Task	Person	Hours
Enyart	Enyart 	Meeting Meeting with Enyart family for trial prep	Grace Jun	5.00
Enyart	Enyart 	Trial Prep Return travel from Apple Valley to San Diego after meeting with family	Grace Jun	2.00
05/12/2024				2.00
Enyart	Enyart 	Trial Prep Review plaintiffs' depositions for trial	Grace Jun	2.00
05/13/2024				7.50
Enyart	Enyart 	Trial Prep Trial prep for Dr. San Bartolome testimony	Grace Jun	2.50
Enyart	Enyart 	Trial Prep Review Dr. San Bartolome deposition transcript	Grace Jun	1.00
Enyart	Enyart 	Trial Prep Continue review of discovery and marking of trial exhibits. Refining and revising exhibits and exhibit list	Grace Jun	4.00
05/14/2024				7.20
Enyart	Enyart 	Meeting Meet/confer re trial exhibits and trial issues	Grace Jun	1.00
Enyart	Enyart 	Trial Prep Review coroner's response to subpoena	Grace Jun	0.10
Total				249.20

Client	Project	Task	Person	Hours
Enyart	Enyart 	Trial Prep Review trial brief drafted by DP	Grace Jun	0.40
Enyart	Enyart 	Trial Prep Review discovery and possible trial exhibits to prepare for examinations at trial	Grace Jun	5.70
05/15/2024				9.00
Enyart	Enyart 	Trial Prep Review trial exhibits and refine exhibits for presentation within time limits. Revise exhibit list and revise documents to be marked for exhibits.	Grace Jun	9.00
05/16/2024				8.40
Enyart	Enyart 	Discovery Enyart - Discovery Conference with Magistrate Judge re medical services policies and standard nursing procedures	Grace Jun	1.00
Enyart	Enyart 	Trial Prep Review Medical Services Division policies and procedures produced late by San Bernardino County. Determine which policies to use	Grace Jun	5.00
Enyart	Enyart 	Trial Prep Review video recorded deposition of Greg Enyart for possible use at trial and making clips for trial	Grace Jun	2.40
05/17/2024				9.00
Enyart	Enyart 	Trial Prep Enyart: trial prep with Dr. San Bartolome	Grace Jun	2.00
Enyart	Enyart 	Trial Prep Enyart: trial prep with Homer Venters	Grace Jun	1.70
Total				249.20

Client	Project	Task	Person	Hours
Enyart	Enyart 	Trial Prep Review Defendants' trial exhibits	Grace Jun	1.60
Enyart	Enyart 	Trial Prep Review video and audio of arrest (belt recordings) and detention at West Valley (belt recordings and video) to create relevant clips with time stamps	Grace Jun	3.70
05/18/2024				11.20
Enyart	Enyart 	Trial Prep Meeting with Amanda and Fran for trial prep. Continue annotations of witness depositions. Prepare witness examinations.	Grace Jun	8.70
Enyart	Enyart 	Trial Prep Commute to Los Angeles for trial from San Diego	Grace Jun	2.50
05/19/2024				15.30
Enyart	Enyart 	Trial Prep Prepare Fran for her trial testimony including review of exhibits	Grace Jun	3.30
Enyart	Enyart 	Trial Prep Prepare for witness examinations and cross examinations. Outline of witness examinations. Review of trial exhibits and jury instructions	Grace Jun	12.00
05/20/2024				14.70
Enyart	Enyart 	Trial Prep Enyart: Trial prep with Mario San Bartolome.	Grace Jun	1.20
Enyart	Enyart 	Trial Prep Continue preparing for trial examination. Prepare for meeting with Dr. San Bartolome and later meeting with Homer Venters. Review exhibits that need to be admitted, witness testimony that needs to be established. Outlines. Visit to courtroom for tech review	Grace Jun	12.00
Total				249.20

Client	Project	Task	Person	Hours
Enyart	Enyart 	Trial Prep Trial prep with Homer; discussion re trial testimony	Grace Jun	1.50
05/21/2024				13.00
Enyart	Enyart 	Trial Prep Trial prep with Fran	Grace Jun	1.00
Enyart	Enyart 	Trial Prep Phone call with Roger Clark to prepare for his trial testimony	Grace Jun	1.20
Enyart	Enyart 	Trial Courtroom for trial (jury selection, opening, and first witness, Dr. Venters)	Grace Jun	6.80
Enyart	Enyart 	Trial Prep Prepare for witness examinations (Roger Clark, Frances Enyart, Dr. San Bartolome). Prepare for cross examination of defense witnesses	Grace Jun	4.00
05/22/2024				13.40
Enyart	Enyart 	Communication Discussion with Fran Enyart before trial (Fran Enyart still on stand)	Grace Jun	1.00
Enyart	Enyart 	Trial Courtroom for trial.	Grace Jun	7.90
Enyart	Enyart 	Trial Prep Prepare for cross examinations. Research on backgrounds of defense witnesses. Review of jury instructions and verdict form and defense edits	Grace Jun	4.50
05/23/2024				11.10
Total				249.20

Client	Project	Task	Person	Hours
Enyart	Enyart 	Trial	Grace Jun	8.00
Enyart	Enyart 	Pleadings	Grace Jun	1.40
		Draft and submit plaintiffs' objections re: time limits and exclusion of plaintiffs' evidence		
Enyart	Enyart 	Research	Grace Jun	1.70
		Research re: jury verdict form and damages questionnaire		
05/24/2024				7.00
Enyart	Enyart 	Pleadings	Grace Jun	1.30
		Request for clarification, submission of verdict form with damages questionnaire		
Enyart	Enyart 	Pleadings	Grace Jun	2.00
		Research re jury instructions. Draft and submit plaintiffs' objections re jury instructions and sua sponte dismissal of Bane Act claim and punitive damages claim		
Enyart	Enyart 	Trial	Grace Jun	0.50
		Verdict		
Enyart	Enyart 	Pleadings	Grace Jun	0.20
		Review court order re objections and exclusion of evidence (dkt. 172)		
Enyart	Enyart 	Trial Prep	Grace Jun	3.00
		Return travel to San Diego from L.A. (Friday night traffic)		
05/28/2024				2.00
Enyart	Enyart 	Pleadings	Grace Jun	2.00
		Review FRCP 50 motion for judgment as matter of law filed by San Bernardino County. Begin research on issues raised.		
			Total	249.20

Client	Project	Task	Person	Hours
05/29/2024				6.00
Enyart	Enyart 	Pleadings Oppo to San Bernardino County JMOL	Grace Jun	6.00
05/30/2024				6.70
Enyart	Enyart 	Pleadings Oppo to San Bernardino County JMOL	Grace Jun	5.00
Enyart	Enyart 	Client Communication Phone call with Greg and Fran Enyart	Grace Jun	1.50
Enyart	Enyart 	Client Communication Email to clients re post trial motions by San Bernardino County and our oppo	Grace Jun	0.20
06/03/2024				0.20
Enyart	Enyart 	Client Communication Email to Enyarts re case update	Grace Jun	0.20
06/06/2024				1.00
Enyart	Enyart 	Client Communication Enyart family meeting	Grace Jun	1.00
06/11/2024				1.00
Enyart	Enyart 	Pleadings Review court order denying judgment as a matter of law and discuss with Enyarts	Grace Jun	1.00
06/12/2024				0.50
			Total	249.20

Client	Project	Task	Person	Hours
Enyart	Enyart 	Client Communication Discussion with clients re case updates	Grace Jun	0.50
07/26/2024				1.30
Enyart	Enyart 	Pleadings Review San Bernardino County renewed JMOL and motion for new trial and review caselaw	Grace Jun	1.30
08/01/2024				7.00
Enyart	Enyart 	Mediation / Settlement Conference Enyart: mediation with Rick Copeland. Meeting with Enyart clients	Grace Jun	7.00
08/02/2024				6.00
Enyart	Enyart 	Pleadings Oppo to motion for new trial. Review of Title 15 of California Code of Regulations	Grace Jun	6.00
09/25/2024				0.20
Enyart	Enyart 	Client Communication Phone call with Greg, Amanda, and Fran re County's rejection of Plaintiffs' settlement offer	Grace Jun	0.20
09/27/2024				1.10
Enyart	Enyart 	Case review Meeting with clients to discuss County rejection of settlement offer and next steps	Grace Jun	1.10
Total				249.20